

(b) The director shall bill each such department or division monthly, and each such department or division shall pay for water used by it upon receipt of the bill.

(Code 1968, § 49-82; Ord. No. 83-19, § 16, 1-11-83)

Sec. 47-102. Sale to state.

The sale of unmetered water to the state department of highways and public transportation for use in its street sweepers and herbicide trucks and other similar purposes is hereby authorized provided that the utility official requires that adequate reporting procedures by such department to the city are established in order to insure that water furnished by the city to such department is paid for.

(Code 1968, § 49-82.1; Ord. No. 73-2515, § 1, 12-26-73; Ord. No. 90-635, § 153, 5-23-90)

Secs. 47-103—47-120. Reserved.

ARTICLE III. CITY SEWER SERVICE CHARGES

Sec. 47-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *City sanitary sewer system.* The sanitary sewer and waste disposal system owned, maintained and operated by or on behalf of the city in order to furnish sanitary sewer and waste disposal services, including, but not limited to waste treatment facilities including fertilizer plants, plants, disposal fields, lagoons and areas devoted sanitary landfills for purposes of treating, neutralizing, stabilizing or disposing of waste, and sewer systems including pipelines, conduits, canals, pumping stations, force mains, and all other constructions, devices and appurtenant appliances used to transport waste, as such system may be now constituted or as it may be hereafter improved, enlarged or extended by construction, reconstruction, acquisition, annexation or otherwise.

- (b) *Commercial user.* Any business or establishment that is not an industrial user and is (i) identified in the 1987 Edition of the Standard Industrial Classification Manual, or (ii) is served by an intake meter one inch or greater.

- (c) *Duplex residence.* A single building equipped for occupancy as a permanent residence by two families.

- (d) *Industrial user.* Any business or establishment that discharges industrial waste as defined in Article V of this chapter.

- (e) *Light commercial user.* Any business or establishment with an intake meter of $\frac{3}{4}$ inch or less that is not a residential, commercial, or industrial user.

- (f) *Multiple-dwelling units.* One or more buildings, each equipped for occupancy by three or more families and used as a permanent residence by those families.

- (g) *Person.* Persons, individuals, firms, partnerships, companies, corporations, and governmental entities, whether one or more or a combination of one or more thereof.

- (h) *Residential user.* A single-family residence, or a duplex residence, or a multiple-dwelling residence, or any combination of same.

- (i) *Single-family residence.* A residential establishment serving a single family, or household, which may not include separate living quarters. In those instances where there is no meter on the water supply to the principal household, separate living quarters shall be considered as a separate residence and a separate sewer service charge shall be applied.

(Code 1968, § 49-94; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 77-499, § 1, 3-15-77; Ord. No. 90-861, § 15, 7-11-90; Ord. No. 92-113, § 8, 2-5-92; Ord. No. 93-314, § 14, 3-24-93)

Sec. 47-122. Rates, for users taking city water.

- (a) *Residential users.* The monthly charge for sanitary sewer service for each residential user shall be computed on the basis of the quantity of

water furnished to the user's premises as measured by the city water meter or meters serving such premises, as follows:

- (1) For each single-family residential customer with a gross quantity of 3,000 gallons or less in a given month, the charge for sewer service is \$5.94.
- (2) For each single-family residential customer with a gross quantity greater than 3,000 gallons, but not greater than 4,000 gallons in a given month, the charge for sewer service is \$14.35.
- (3) For each single-family residential customer with a gross quantity greater than 4,000 gallons, but not greater than 5,000 gallons in a given month, the charge for sewer service is \$17.04.
- (4) For each single-family residential customer with a gross quantity in excess of 5,000 gallons in a given month, the charge for sewer service is \$3.60 per 1,000 gallons, plus a \$1.06 service fee.
- (5) For other residential customers, the charge for sewer service is \$3.60 per 1,000 gallons, plus a \$1.06 service fee.

(b) *Commercial users.* The monthly charge for sanitary sewer service for each commercial user shall be computed on the basis of the quantity of water furnished to the user's premises as measured by the city water meter or meters serving such premises as provided below:

- (1) Minimum charge for 2,000 gallons or less of water usage: \$12.13.
- (2) Additional charge for additional water usage in excess of the first 2,000 gallons: \$4.62 per 1,000 gallons.

(c) *Light commercial users.* The monthly charge for sanitary sewer for each light commercial user shall be computed on the basis of the quantity of water furnished to the user's premises as measured by the city water meter or meters serving such premises as provided below:

- (1) Minimum charge for 2,000 gallons or less of water usage: \$10.14

- (2) Additional charge for additional water usage in excess of the first 2,000 gallons: \$3.61 per 1,000 gallons.

(d) *Industrial users.* The monthly charge for sanitary sewer for each industrial user shall be computed on the basis of the quantity of water furnished to the user's premises as measured by the city water meter or meters serving such premises as provided below, plus the industrial waste surcharges required under the provisions of section 47-143 of this Code:

- (1) Minimum charge for 2,000 gallons or less of water usage: \$12.17.
- (2) Additional charge for additional water usage in excess of the first 2,000 gallons: \$4.64 per 1,000 gallons.

(Code 1968, § 49-95; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 77-499, § 2, 3-15-77; Ord. No. 83-37, § 1, 1-12-82; Ord. No. 83-1138, § 1, 7-26-83; Ord. No. 85-1094, § 1, 7-2-85; Ord. No. 86-1664, § 1, 9-17-86; Ord. No. 87-494, § 1, 4-14-87; Ord. No. 87-581, § 1, 4-21-87; Ord. No. 87-1906, § 1, 11-10-87; Ord. No. 88-1194, § 8, 7-6-88; Ord. No. 89-1048, § 8, 7-5-89; Ord. No. 90-861, § 16, 7-11-90; Ord. No. 92-113, § 9, 2-5-92; Ord. No. 93-314, § 15, 3-24-93; Ord. No. 04-297, § 7, 4-21-04; Ord. No. 04-299, § 5.2, 4-21-04)

Editor's note—Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted April 1, 2005, and April 1, 2006.

Sec. 47-123. Rates for users not receiving water from city.

The monthly sanitary sewer service charge for each user having a private water supply or receiving water from a source other than the city's water system and whose water supply is not self-metered and billed as provided in section 47-128 of this Code, shall be as follows:

- (1) *Single family residence:* \$15.51 per month.
- (2) *Duplex residence:* \$29.97 per month.
- (3) *Multiple dwelling units, per single family unit:* \$15.51 per month.

- (4) *Light commercial user rate, per commercial equivalent:* \$33.70 per month. Each light commercial user shall pay the cost of a single commercial equivalent unless such light commercial user requires additional commercial equivalents of service as determined by the table in section 47-1002 of this Code.
- (5) *Commercial user rate, per commercial equivalent:* \$42.16 per month. Each commercial user shall pay the cost of a single commercial equivalent unless such commercial user requires additional commercial equivalents of service as determined by the table in section 47-1002 of this Code.
- (6) *Industrial user rate, per commercial equivalent:* \$42.35 per month. Each industrial user shall pay the cost of a single commercial equivalent unless such industrial user requires additional commercial equivalents of service as determined by the table in section 47-1002 of this Code.

(Code 1968, § 49-96; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 77-499, § 3, 3-15-77; Ord. No. 82-37, § 2, 1-12-82; Ord. No. 83-1138, § 2, 7-26-83; Ord. No. 85-1094, § 2, 7-2-85; Ord. No. 86-1664, § 2, 9-17-86; Ord. No. 87-494, § 2, 4-14-87; Ord. No. 87-1906, § 2, 11-10-87; Ord. No. 88-1194, § 9, 7-6-88; Ord. No. 89-1048, § 9, 7-5-89; Ord. No. 90-861, § 17, 7-11-90; Ord. No. 92-113, § 10, 2-5-92; Ord. No. 93-314, § 16, 3-24-93; Ord. No. 04-297, § 8, 4-21-04; Ord. No. 04-299, § 5.2, 4-21-04)

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Sec. 47-124. Property located outside city.

For sewer service to property located outside the limits of the city, where there is no existing contract with the city precluding the application of the charges established by this article during the term thereof, the charges to be made by the city for such service shall be 1.15 times the amount of charges for like service within the city limits.

(Code 1968, § 49-97; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 89-1048, § 13, 7-5-89)

Sec. 47-125. Reduced rates or free service.

All persons owning, renting, leasing or having management or control of property or premises that produce waste that is discharged into the sanitary sewers of the city, including domestic waste, and subject to the provisions of this article, shall be charged the rates established in this division, and no reduced rates or free sanitary sewer service shall be furnished to any such person, property or premises.

(Code 1968, § 49-98; Ord. No. 74-221, § 1, 2-6-74)

Sec. 47-126. Deposit to secure payment.

Persons who are not water customers of the city shall be required to post a deposit with the department in the amount of twenty dollars (\$20.00) for each family unit involved for two (2) or less units, and ten dollars (\$10.00) per unit for over three (3) families with a minimum deposit of thirty dollars (\$30.00). Such deposit is solely to secure payment of charges made for sewer service. Based upon the amount of water used as reflected by the water meter readings, such required deposits may be increased as to any customer when, in the opinion of the utility official, it should be, in order to protect the city in the payment of its charges made under the provisions of this article. Upon termination of service, the city shall apply the deposit on hand to the unpaid charges of the customer and the excess, if any, will be paid to the customer.

(Code 1968, § 49-99; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-127. Determination of charges generally.

In those instances where water meters are provided on the sources of water providing water to the facilities discharging into the sanitary sewer system of the city, water usage will be determined from the water meter readings, for the purpose of determining the sewer service charge. As to such water sources that are not metered, estimates of water usage will be made by the city and sewer service charges based upon such estimates will be in addition to those determined from water meter readings.

(Code 1968, § 49-100; Ord. No. 74-221, § 1, 2-6-74)

Sec. 47-128. Metering water not furnished by city to determine charge.

Any person discharging waste from any property or premises into the sanitary sewers of the city who has a private source of water supply or who receives his water supply from a source other than the city may choose to install a water meter of the type and standard approved by the department for the purpose of measuring the amount of water taken into such facilities. Such meter shall be installed in a location approved by the depart-

ment and accessible to the water meter readers of the city at all times during the hours from 4:00 a.m. to 5:00 p.m., Monday through Saturday of each week of each year. The water consumption indicated by such meter shall be the basis of determining the sewer charge provided for in this article, to be billed at the applicable rate as stated in section 47-122 of this Code.

(Code 1968, § 49-101; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 77-499, § 4, 3-15-77)

Sec. 47-129. Metering water not discharged into sewer system to determine charge.

(a) Any person discharging wastewater into the sewer system, except a single-family residential user, who takes water for the manufacture of a product or as cooling water, such that water provided to his facilities is not discharged into the sanitary sewers of the city may, at his own expense, install a water meter of a type and design, and at a location approved by the utility official, on the water intake sources of such facility, and the city will accept monthly readings from such meter taken and provided to the city by such person or his duly authorized agent. Such monthly readings shall be furnished on forms provided by the utility official and sworn to as correct by the person taking the reading.

It shall be the obligation of the customer to test such water meter at least once every twelve (12) months and provide the city by certified mail a certificate reporting the results of the tests, which shall include:

- (1) A determination of the accuracy of the meter; and
- (2) A determination that water passing through the meter is not discharged into the sanitary sewers of the city.

Such testing shall be conducted by a licensed plumber, and both the customer and the licensed plumber must sign the certificate of test results. The form for the certificate shall be prescribed by the utility official. It shall also be the customer's responsibility to notify the department within a reasonable time in advance so that the department may, if it chooses, have a witness present

during such test. If upon any such test the percentage of accuracy is found to be within the accuracy tolerance as established by the manufacturer's specifications, such meter shall be determined to have correctly measured the quantity delivered to the sewer system. If, however, upon any such test the percentage of accuracy is found to be in excess of the accuracy tolerance specified by the manufacturer's specifications, then such meter shall be immediately adjusted to register correctly the quantity not delivered to the sewer system. The billings to such customer shall be adjusted for a period extending back to the time when the inaccuracy began, if such time is ascertainable, or for a period extending back one-half (1/2) of the time elapsed since the date of the last test or the date of the last adjustment, if the time is not ascertainable.

(b) The amount of water indicated by such monthly reading of such meter will be deducted from the city's reading of the city's water meter providing water to such property and the resulting amount will be the water usage upon which the sanitary sewer service charge established by this article will be computed. In the event such property is not supplied water by the city, such meter reading will be deducted from the total water usage furnished to such property as estimated by the utility official as provided for in this article.

(c) No facility for which a meter is installed under the provisions of this section shall be connected to the sanitary sewer system of the city, without the owner thereof having first notified in writing the utility official of such proposed connection.

(d) Employees of the department shall have the right, at any time during regular business hours, to check the meter reading on such meter installed to measure the amount of water provided to the facility not discharging waste into the city's sanitary sewers, and to remove and test such meter at any time.

(e) Any facility that does not discharge into the city's sewer system and the water to which is furnished by the city's water system, may be metered by a city water meter connected to a separate service line from the city water main and located in the utility easement, upon the making

of application therefor by the owner of such property and making the required deposits and paying the meter charge and connection fees provided for by this chapter, and such meter shall be read by the city's meter reader and will be subject to the established water rates and charges of the city the same as any other metered water connection to a city main.

(f) Any person making a false affidavit as to the amount of water usage registered by a meter installed under the provisions of this section, or any person representing to the city that the facility for which a meter is installed under the provisions hereof does not discharge waste into the city's sanitary sewer when, in fact it does, or any person having facilities for which such a meter is installed who subsequently connects such facility to the city's sanitary sewer system without notifying the utility official, shall be guilty of an offense. Each and every day that such violation continues shall constitute a separate offense punishable as such.

(Code 1968, § 49-102; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 89-1048, § 14, 7-5-89; Ord. No. 90-15, § 4, 1-10-90; Ord. No. 90-635, § 153, 4-23-90)

Sec. 47-130. Engineering study to determine charge where portion of water not discharged into sewer.

(a) Any person discharging wastewater into the sewer system, except a single-family residential user, who takes water for the manufacture of a product or as cooling water, such that water provided to his facilities is not discharged into the sanitary sewers of the city, may make an application to the utility official requesting that an engineering study of his property be made.

(b) Applications for an engineering study made under the provisions of this section shall be upon forms promulgated and furnished by the utility official, and the applicant shall furnish all the information and other matters requested therein. The fee for making an engineering study under the provisions hereof shall be eleven hundred dollars (\$1,100.00). No fee shall be required for studies initiated by the utility official subsequent to the first application. The fee is to reimburse the city for the expense of making the engineering study

and report. Each applicant shall agree, as a condition precedent for the engineering study, to indemnify and hold harmless the city from any and all such liability for any act or omission by the city, its agents and employees, committed while conducting the engineering studies and tests provided for herein, causing or resulting in damages to the property or person of the applicant, his agents, employees and invitees.

(c) Upon receipt of an application and the fee required herein, the utility official will, as soon as possible, make an engineering study of the applicant's property and facilities. In those instances where, in the opinion of the utility official, based upon an engineering study of the property and facilities of the applicant, it is impractical or unfeasible for the applicant to install one (1) or more meters to measure the amount of water passing through the water meter serving such property and not being discharged into the sanitary sewers of the city, the utility official is authorized to make an engineering study to determine the percentage of the amount of water passing through such meter that is being discharged into the sanitary sewers of the city. A report of such determination, showing the basis thereof, shall be certified to by the utility official and one (1) copy shall be filed with the city secretary and one (1) copy shall be retained by the utility official. Such report, when so filed, shall constitute the basis upon which the sewer service charge established by this division shall be computed.

(d) The utility official is authorized, at his discretion or on written request from an applicant, to make such additional engineering studies from time to time of any such property and facilities to check the current accuracy of the file report on any such property, and if it is determined that the file report is more than five (5) percent inaccurate, a new report based upon the latest studies, shall be filed with the city secretary to replace the prior one. A complete copy of such report shall be retained by the department for billing purposes. No change in the basis of computing the sewer service charge for any property will be made until the first billing date after the filing by the utility official with the city secretary of the first or any subsequent report. Requests by an applicant for a restudy under the provision hereof will not be ac-

cepted or acted on more often than once in every twelve-month period (annually) subsequent to the filing of the first report on the applicant's property.

(e) In the event it is necessary that certain testing instruments be installed, or that existing equipment or facilities located on the applicant's property be altered, adjusted, disconnected or temporarily moved in order to facilitate the making of an engineering study or test under the provisions of this section, all of the foregoing shall be done by and at the expense of the applicant.

(f) When the utility official has, as a result of an engineering study made under the provisions of this section, determined the percentage of metered water passing through the water meters serving a property that is being discharged into the sanitary sewers of the city, or when the amount of metered water passing through the water meter serving such property and which is not being discharged into the city's sanitary sewers is determined from a water meter installed to measure the amount of such water, future billings by the city for sanitary sewer service to such property shall be adjusted in order to charge such customer only for that amount of metered water that is being discharged into the city's sanitary sewers. (Code 1968, § 49-103; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 77-499, § 5, 3-15-77; Ord. No. 90-15, § 5, 1-10-90; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 90-861, § 18, 7-11-90)

Sec. 47-131. Determination of charge where user maintains more than one source of water supply.

(a) Where a sewer system user maintains more than one source of water supply, and only one source produces sewage flow discharging into the sanitary sewer system of the city, the sewer service charge shall be determined by metering only that source of water supply. Failure of the owner or operator to install the necessary approved meter will constitute an agreement and consent by such owner or operator that the city's estimate of the total water usage, irrespective of actual discharge, will be the basis upon which the sewer charge will be based.

(b) The city's estimate of water usage may be made by whatever means and calculations the utility official determines to be fair and equitable, and which will reasonably reflect the approximate water usage of such premises.

(Code 1968, § 49-104; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-132. Responsibility for charges for multiple living units.

Where the city does not supply the source of water for all multiple living unit connections, the owner of the premises will be held responsible for the sewer service charge, where individual water meters are not provided for each living unit.

(Code 1968, § 49-105; Ord. No. 74-221, § 1, 2-6-74)

Sec. 47-133. No deductions for vacancies in apartments or duplex residences; removal of apartment or duplex unit from service.

No deductions will be made for vacancies in the application of the minimum sewer service charge to apartments or duplex residences in any classification. An apartment unit or duplex unit removed from such service by remodeling or abandonment will be relieved of payment of a sewer service charge, but correction of the city's records must be requested by the owner in writing or by signing the proper forms provided by the city.

(Code 1968, § 49-106; Ord. No. 74-221, § 1, 2-6-74)

Sec. 47-134. Billing.

(a) Billing for sewer service charges shall be made to the water customers of the city concurrently with the monthly or bimonthly water bills issued by the city to such customers. Those persons without water meters or with a source of water supply other than the city will be billed on those same dates. As to those persons discharging into the sewers of the city who are not water customers of the city, bimonthly bills shall be sent to them for the charges incurred during the preceding two (2) months.

(b) All sewer user bills shall be payable in full at the amount based upon the rates and schedules provided in this division, on or before seventeen (17) days after the date of the mailing of the bill to

the customer, unless said customer wishes to contest the bill for sewer service and follows the procedures prescribed in section 47-70 of this chapter. If any bill is not paid in full on or before the day prior to the mailing by the city of the succeeding monthly water bill, there shall be added thereto ten (10) percent of the amount thereof as a charge for late payment; provided, that any bill attempted to be paid by a check or money order drawn on or issued by a financial institution which has had its funds frozen by involuntary or voluntary action after the attempt to pay the bill in such manner shall not be charged the ten (10) percent if said bill is paid within seventeen (17) days from the date the customer has been notified that payment on the check or money order has not been honored. The director shall prescribe the form for customers' bills.

(c) Notwithstanding the provisions of subsection (b), late charges shall not apply to governmental customers (unless otherwise provided by contract) or exempt senior customers.

(1) As used in this section, "governmental customer" means:

- a. The United States government;
- b. The State of Texas and its political subdivisions; and
- c. The City of Houston.

(2) As used in this section, "exempt senior customer" means a customer meeting the following criteria:

- a. The customer must be sixty-two (62) years of age or over;
- b. The customer must be a residential customer actually occupying the entire premises for which exempt senior customer status is sought; and
- c. The customer must have on file with the city an application for exempt senior customer status which is in a form prescribed by the director, and which has been approved by the director. The application shall include a sworn statement that the customer is sixty-two (62) years of age or over.

(Code 1968, § 49-107; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 82-37, § 7, 1-12-82; Ord. No. 83-19, § 18,

1-11-83; Ord. No. 84-1279, § 2, 8-14-84; Ord. No. 89-51, § 2, 1-11-89)

Sec. 47-135. Adjustment of bill.

In the event any adjustment in a water bill under the provisions of this chapter affects the basis on which the city sewer charge is levied for the same period, an appropriate adjustment in the sewer charge shall be made.

(Code 1968, § 49-108; Ord. No. 74-221, § 1, 2-6-74)

Sec. 47-136. Discontinuance of service for failure to pay.

The city shall have the right to discontinue either or both water and sanitary sewer service, to any person discharging into the sanitary sewers of the city, who fails or refuses to make timely payment of the sewer charges for which he is billed; provided, however, in the event of a dispute as to the amount of charges made, service shall not be terminated if the person charged follows procedures prescribed in section 47-70 and a designated department official determines that the disputed charges are incorrect.

(Code 1968, § 49-109; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 83-19, § 19, 1-11-83)

Sec. 47-137. Continued use of sewer after refusal to pay.

Any person failing or refusing to pay the charges provided for in this article, or to deposit the proper sum in the event of a dispute as to the amount of such charges, in the time and manner provided, and who continues to discharge waste from his property into the sanitary sewer systems of the city shall be guilty of an offense and upon continuance thereof shall be fined as provided in section 1-6 of this Code. Each and every day that such violation continues shall constitute a separate offense and shall be punishable as such. The conviction of a person for such an offense shall not be a bar to the institution by the city of a suit for the collection of the delinquent charges and for an injunction to enjoin such person from discharging waste into the sanitary sewer systems of the city

without complying with the provisions of this division and paying the charges established hereby. (Code 1968, § 49-110; Ord. No. 74-221, § 1, 2-6-74; Ord. No. 77-499, § 6, 3-15-77)

Sec. 47-138. Violations of article; furnishing city false information.

Any person violating any of the provisions of this article or knowingly furnishing the city with false or fraudulent information, or failing to comply with the provisions hereof, shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in section 1-6 of this Code. Each and every day that such violation continues shall constitute a separate offense and be punishable as such. This penalty shall be in addition to any other remedy, penalty or sanction provided for herein.

(Code 1968, § 49-112; Ord. No. 74-221, § 1, 2-6-74)

Sec. 47-139. Charges for collection and disposal of refuse from sewage holding tanks and septic tanks in the Lake Houston vicinity.

(a) The director may prescribe rules and regulations for the collection and disposal by the city of refuse from sewage holding tanks and septic tanks located in the Lake Houston vicinity. As used herein, the "Lake Houston vicinity" includes the lake itself and all territory which is either within 200 feet of the lake shore or within the watershed of the lake.

(b) For any such collection and disposal services provided, there shall be charges collected as follows:

- (1) For service to tanks on houseboats or on other vessels: \$10.00 per collection.
- (2) For service to any other tanks: \$15.00 for the first 600 gallons or any part thereof, per collection, plus \$1.50 for each additional one hundred (100) gallons in excess of 600 gallons per collection.

(Code 1968, § 49-113; Ord. No. 83-19, § 25, 1-11-83)

Sec. 47-140. Wholesale wastewater service rates for municipalities and conservation and reclamation districts.

Municipalities and conservation and reclamation districts ("municipalities") may purchase wholesale wastewater service from the city at rates established herein. In case of conflict between this section and a wholesale contract entered into before the effective date hereof, the provisions of the wholesale contract prevail.

- (1) *Rate for municipalities that have made capital contributions.* The rate established in this subsection is applicable only for wholesale wastewater services the city provides to municipalities that meet the following requirements:

- a. The municipality discharges directly into a city treatment plant;
- b. The municipality has purchased permanent treatment capacity in the city's wastewater treatment system; and
- c. The municipality has executed a contract with the city for wholesale wastewater treatment services.

The wholesale wastewater rate for municipalities meeting these criteria is \$1.286 per 1,000 gallons. If the contract does not require that charges be based on metered quantities, monthly quantities (in 1,000 gallon units) shall be determined by the formula:

$$.315 \times A \times B$$

Where:

- A* is the number of calendar days in the particular month; and
- B* is the number of residential equivalent units connected to the municipality's collection system. (Conversion factors for *residential equivalent units* are provided in the wholesale wastewater service contracts.)

- (2) *Rate for other municipalities.* The wholesale rate for wastewater service for municipalities not eligible for the rate specified in subsection (b) is \$3.044 per 1,000 gallons.

(Ord. No. 84-1257, § 1, 8-14-84; Ord. No. 85-1094, § 5, 7-2-85; Ord. No. 86-1664, § 5, 9-17-86; Ord. No. 87-494, § 5, 4-14-87; Ord. No. 88-1194, § 10, 7-6-88; Ord. No. 89-1048, § 10, 7-5-89; Ord. No. 90-861, § 19, 7-11-90; Ord. No. 93-314, § 17, 3-24-93; Ord. No. 01-637, § 1, 7-3-01; Ord. No. 04-297, § 9, 4-21-04; Ord. No. 04-299, § 5.2, 4-21-04)

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Sec. 47-141. Established user charges.

- (a) The user charges established herein shall be in lieu of any other city sanitary sewer service charges.

(b) The user charges are to provide for the reimbursement of costs to the city and the control necessary by the city to provide treatment for those wastes of quantity and strength produced by industrial processes, including wastes of characteristics difficult to treat for final disposal, but economically amenable to the city system when pretreated or accepted without pretreatment.

- (c) These user charges are not in lieu of any sanitary sewer connection charges and/or industrial cost recovery charges established by this or any other city ordinance.

(d) All user charges established herein shall be an obligation of the permittee as a condition of keeping his permit valid.
(Code 1968, § 49-159; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 92-1309, § 1, 9-30-92)

Sec. 47-142. City's allocated unit costs.

(a) The following items shall be used to compute allocated unit costs but shall not be deemed to be exclusive of other pertinent factors:

- (1) The total proposed sewer division budget for the current year will be used as a basis for figuring operation and maintenance expenditures plus the following:
 - a. An appropriate percentage for old age benefits and pension payments based on salaries.
 - b. Vehicular replacements based on an appropriate replacement plan.
 - c. An approved percentage for indirect costs to other departments based on the proposed sewer division budget for the current year.
 - d. An appropriate percentage of the actual water/sewer billing costs.
 - e. The annual debt service for retirement of sanitary sewer bonds.
- (2) The city's allocated unit costs will be computed annually for processing each of the following three operational-functions of the system: Volume of flow, removal of BOD, and removal of suspended solids.

(b) The allocated unit costs shall be evaluated annually to examine increases or decreases in operation and maintenance costs and annual debt service.

(Code 1968, § 49-160; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, § 16, 3-15-77; Ord. No. 92-1309, § 1, 9-30-92)

Sec. 47-143. Computation of user charge.

(a) The user charges to be determined to each establishment producing industrial waste shall be computed by use of the following formula:

$$UC = Q \times \left[X + \frac{(BOD-350) (8.337) Y}{1000} + \frac{(SS-375) (8.337) Z}{1000} \right]$$

Formula values are:

UC = User charge (in dollars).

Q = Billable quantity of wastewater in thousand gallon units.

X = \$4.64.

Y = \$0.2078.

Z = \$0.4437.

BOD = Five-day, 20 degrees Centigrade biochemical oxygen demand content of the waste delivered, in mg/l, but not less than 350 mg/l.

SS = Suspended solids content of the waste delivered, in mg/l, but not less than 375 mg/l.

(b) When either BOD is equal to or exceeds 350 milligrams per liter (mg/l) or suspended solids is equal to or exceeds 375 milligrams per liter (mg/l) or both in a delivered waste, the formula provided in subsection (a) shall be used to determine user charges. The amount of the BOD to be used in the formula shall equal the actual amount or 350 milligrams per liter (mg/l), whichever is greater. The amount of the suspended solids to be used in the formula shall equal the actual amount or 375 milligrams per liter (mg/l), whichever is greater.

(c) When an industry produces both domestic and process waste with one connection to the sewer system the waste so delivered shall be considered as industrial waste with uniform rate; or by user charge computations, in compliance with the above, based on the combined volume, BOD and suspended solids content.

(d) A permittee may reduce his user charge rate by greater removals in pretreatment or plant operation procedure, but once the pretreatment or plant procedure is established to obtain uni-

form or lower rate, written consent from the director to increase the delivered strength shall be required, and charges for a higher rate based on tests by the city may be made without other notice to the industry.

(e) Monthly or bimonthly billing for industrial waste disposal shall be accomplished, using the established procedures.

(Code 1968, § 49-161; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, §§ 17, 18, 3-15-77; Ord. No. 82-37, §§ 3—5, 1-12-82; Ord. No. 83-1138, §§ 3, 4, 7-26-83; Ord. No. 85-1094, §§ 3, 4, 7-2-85; Ord. No. 86-1664, §§ 3, 4, 9-17-86; Ord. No. 87-494, §§ 3, 4, 4-14-87; Ord. No. 87-1906, §§ 3, 4, 11-10-87; Ord. No. 88-1194, §§ 11, 12, 7-6-88; Ord. No. 89-1048, §§ 11, 12, 7-5-89; Ord. No. 90-861, §§ 20, 21, 7-11-90; Ord. No. 92-113, § 12, 2-5-92; Ord. No. 92-1309, § 1, 9-30-92; Ord. No. 93-314, § 18, 3-24-93; Ord. No. 04-297, § 10, 4-21-04; Ord. No. 04-299, § 5.2, 4-21-04)

Editor's note—Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted April 1, 2005, and April 1, 2006.

Sec. 47-144. User charges with installed water meters.

(a) For producers with installed water meters, the charges established herein shall become effective from and after each producer's first regular meter reading date after the issuance of the industrial waste permit. Producers who are required under the provisions of this article to install water meters for the purpose of determining the charges established by this article shall have 30 days from the date of issuance of the industrial waste permit to install such meters as are required herein, and the installation will be at the producer's expense. Such meters will be of a type and standard and in a location approved by the utility official.

(b) Any person required to install a water meter under the provisions hereof and who fails or refuses to do so in the time and manner

required shall be charged as provided herein based on water usage estimated by the utility official.

(Code 1968, § 49-162; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 1, 9-30-92)

Secs. 47-145—47-160. Reserved.

ARTICLE IV. DEVELOPMENT AND UTILITY SYSTEM EXTENSIONS*

Sec. 47-161. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Construction cost means the full cost for materials and labor for construction of main, excluding the cost for surveys, easements and engineering and inspection services.

Developer means the owner or agent of the owner developing lots or tracts of property for further sale, lease, development or redevelopment for residential, commercial or industrial use.

Developer contract means a contract between a developer and the city for construction of main pursuant to section 47-164 of this Code.

Main, unless otherwise designated, includes water, wastewater and storm sewer main and includes off-site main.

Nonrevenue producing water main means water main supplying fire sprinkling systems and other water services for which the city receives no water revenue.

Off-site main means water, wastewater and storm sewer main lying outside the tract of land that is developed or redeveloped.

***Editor's note**—Ord. No. 96-1248, § 1, adopted Nov. 26, 1996, did not specifically repeal former art. IV, §§ 47-161—47-171; hence, the provisions of said ordinance have been treated as superseding the provisions of former art. IV.